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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.             | CONFIRMATION NO.            |
|--|-------------|----------------------|---------------------------------|-----------------------------|
| 10/814,280   | 04/01/2004  | Jelena Milanovic     | 032498-024                      | 8450                        |
| 21839  | 7590        | 12/16/2008           |                                 |                             |
| BUCHANAN, INGERSOLL & ROONEY PC<br>POST OFFICE BOX 1404<br>ALEXANDRIA, VA 22313-1404 |             |                      | EXAMINER<br>OLSEN, KAJ K        |                             |
|  |             |                      | ART UNIT<br>1795                | PAPER NUMBER                |
|  |             |                      | NOTIFICATION DATE<br>12/16/2008 | DELIVERY MODE<br>ELECTRONIC |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com

### Office Action Summary

**Application No.**

10/814,280

**Applicant(s)**

MILANOVIĆ, JELENA

**Examiner**

KAJ K. OLSEN

**Art Unit**

1795

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 September 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 17 is/are allowed.
- 6) ☒ Claim(s) 1-8 and 11-14 is/are rejected.
- 7) ☒ Claim(s) 9, 10, 15 and 16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB08)
- Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Drawings***

1. Figure 1 remains objected to because the figure should be designated by a legend such as --Prior Art--. Applicant again urges that replacement drawings have been submitted, but again there doesn't appear to be any new drawings in the scanned record. Corrected drawings are still needed.

### ***Election/Restrictions***

2. In view of applicant's amendment to claim 17, the examiner will examine claim 17 with the other claims. Claims 1-17 are currently pending and are the subject of this office action.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

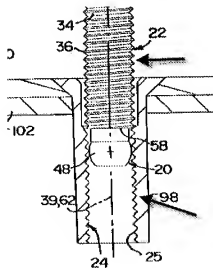
A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.  
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-8 and 11-14 are rejected under 35 U.S.C. 102(a) or (b) as being anticipated by the applicant's admitted prior art.

5. With respect to claim 1, the examiner maintains the admitted prior art continues to read on the claims of the present invention because the threading (20, 21) that resides between

elements 10 and 4 of fig. 1 would read on a mean for preventing bi-axial movement of the sensor probe by engaging a recess of the sensor probe. Applicant continues to traverse this rejection, but they do not appear to explicit explain why such threading would not read on the broadest reasonable interpretation of the set forth means. For illustration in case the applicant is misinterpreting the rejection in question, below is an example of typical threading as it is known in the art (image taken from fig. 17 of Donovan (USP 6,328,515)). On both the male and female portions of the elements being threaded together, the threading consists of peaks and valleys that corresponding valleys and peaks of the other element engage with. The arrows below show examples of recesses or valleys on both the male and female parts that would be engaged with a corresponding peak of the other element. Hence, this type of threading engagement would constitute an engaging of a recess of the sensor probe giving the claim language its broadest reasonable interpretation.



6. With respect to the various dependent claims, see the discussion from the previous office actions.

7. Claims 1-4 and 6-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Stevenson, Jr. (USP 4,176,032).
8. With respect to claim 1, the examiner maintains that Stevenson continues to read on the defined insertion electrode device in view of the threading that would inherently prevent bi-axial movement of the sensor probe. Applicant has traversed this rejection on the same ground as the traversal of the admitted prior art rejection. This is not persuasive for the same reasons highlighted above for the prior art.

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 5 and 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stevenson in view of applicant's admitted prior art.
11. With respect to claims 5 and 11, Stevenson set forth all the limitations of the claims, but did not explicitly recite the presence of the set forth plug connection. However, the applicant's admitted prior art already established that such a plug connection was already old in the art. Because such an electrode connection was already well known for connecting sensor probes to external circuitry, it would have been obvious to one of ordinary skill in the art at the time the invention was being made to utilize the teaching from the admitted prior art for the electrical

connection for Stevenson to achieve the predictable result of having a suitable electrical connection to the outside.

12. With respect to claims 12-14, see the discussion of Stevenson and claims 6-8 above.

#### ***Allowable Subject Matter***

13. Claims 9, 10, 15, and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

14. Claim 17 is allowed.

15. The following is a statement of reasons for the indication of allowable subject matter: With respect to claims 9, 10, 15, and 16, see previous office actions for a discussion of these claims. With respect to claim 17, this claim reads free of the prior art because it specifies that the safety adapter that contains the specified means for preventing bi-axial movement is screwed onto the probe protector tube. In the prior art being relied on above, the safety adapter (i.e. the threading) is integral with the probe protector tube and is not separately provided. This constitutes a non-obvious distinction over the prior art.

#### ***Response to Arguments***

16. Applicant's arguments were addressed in the body of the rejections above and will not be addressed separately here.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KAJ K. OLSEN whose telephone number is (571)272-1344. The examiner can normally be reached on M-F 5:30-2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nam X. Nguyen can be reached on 571-272-1342. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kaj K Olsen/  
Primary Examiner, Art Unit 1795  
December 13, 2008